

The Yuma County Board of Adjustment met in a regular session on April 21, 2020. The meeting was held via Zoom and opened to the public in the Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

CALL TO ORDER: At 1:00 p.m., Chairman Neil Tucker convened the Board of Adjustment meeting. Board Members present: Tim Eisenmann, Eric Saltzer, Neil Tucker and Rosalie Lines. Board Member Joe Harper was absent. Others present: Planning Director Maggie Castro, AICP; Senior Planner Juan Leal-Rubio; Senior Planner Fernando Villegas; Deputy County Attorney Ed Feheley; and PZ Commission Admin Specialist Amber Jardine.

ITEM No. 3: Approval of the Board of Adjustment regular meeting minutes of March 17, 2020.

MOTION (LINES/SALTZER): Approve as presented.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- AYE; Lines - AYE; Saltzer – AYE.
The motion carried 4-0.

ITEM No. 4: Variance Case No. 20-04: Najeh Edais, agent for Ronald Lutticke, requests a variance from the development standards of Martinez Lake Resort Unit No. 1 Planned Development to increase the height to 36 feet and to reduce the amount of parking spaces to two on a parcel 1,137 square feet in size zoned Planned Development (PD), Assessor's Parcel Number 459-50-023, located at 10393 South Tule Road, Yuma, Arizona.

Senior Planner Fernando Villegas presented the staff report recommending approval of Variance Case No. 20-04 based on:

1. Staff finds approval of this variance may not have an adverse effect on public health, safety and welfare.
2. Staff finds there are specific peculiar conditions applicable to this property to warrant granting of this variance.
3. Staff finds approval of this request does not have a negative impact on the neighborhood.

If the Board of Adjustment approves this Variance, staff suggests attaching the following condition:

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.

Chairman Tucker opened the public hearing.

There being no one to come forward, Chairman Tucker closed the public meeting.

MOTION (SALTZER/LINES): Approve Variance Case No. 20-04 in accordance with the stipulations that staff recommended.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- AYE; Lines - AYE; Saltzer – AYE.
The motion carried 4-0.

ITEM No. 5: Variance Case No. 20-05: Bruce Schmidt, agent for Pamela Lee Crowe, requests a variance from the Yuma County Zoning Ordinance, Section 706.04—Noise Zones, to allow a single family residence on a parcel 2.64 gross acres in size zoned Suburban Site Built-2 acre minimum (SSB-2), Assessor's Parcel Number 724-34-017, located on the east side of Avenue 4¼ E approximately 475 feet south of County 13th Street, Yuma, Arizona; located in the 65-69 dB noise zone.

Senior Planner Juan Leal-Rubio presented the staff report recommending approval of Variance Case No. 20-05 based on:

1. Granting this request would not be contrary to the public interest.
2. Granting this request would be in accordance with the spirit of the regulations and the Airport District.

If the Board of Adjustment approves this Variance, staff suggests attaching the following conditions:

1. This variance is valid for the time limits outlined in Section 710.08 of the Yuma County Zoning Ordinance.
2. An Avigation Disclosure Statement shall be recorded by the owner/agent within 60 days of approval by the Board of Adjustment.
3. Measures to achieve an outdoor to indoor noise reduction of 25 decibels must be incorporated into the design and construction of the residence, per Yuma County Board of Supervisors Ordinance 02-01—Sound Attenuation Standards for Yuma County and the Yuma County Comprehensive Building and Safety Code.

Board Members received clarification on the sound attenuation standards.

Chairman Tucker opened the public hearing.

Mary Ellen Finch, Marine Corp Air Station representative, stated MCAS was requesting the Board to deny Variance Case 20-05. The requested development is within the 65-69 dB noise contour. She explained MCAS had not requested denial to new residential development in the past. However, there was an increase sound event within noise contours with the new aircraft F-35.

Board Member Lines asked for clarification on what the applicant was requesting a variance for.

Planning Director Maggie Castro, AICP, explained the applicant needs a variance to build a single family residence within the noise zone.

Board Member Lines inquired about what uses were allowed on the subject parcel.

Senior Planner Juan Leal Rubio stated the subject property was rezoned to SSB-2 in 2017. He listed all the permitted uses allowed in the SSB-2 zoning district.

Board Member Saltzer inquired about the agreement between the Marine Base and the County.

Senior Planner Juan Leal Rubio stated the subject property was rezoned to SSB-2 which allows parcels no less than 2 acres. In 2017, when the property was rezoned staff did not receive opposition comments from MCAS in regards to splitting the parcel with the intent to build a single family residence.

Planning Director Maggie Castro, AICP, explained MCAS was not in opposition to the property being rezoned to SSB-2 in 2017. The Joint Land Use Plan which was adopted in 1996 allowed a 2 acre minimum density that was agreed upon by MCAS-Yuma. That density was carried into the 2010 and 2020 Yuma County Comprehensive Plan.

Board Member Saltzer clarified that MCAS recently took a firmer stance on densities and new residential development due to the new aircraft F-35.

Board Member Eisenmann inquired about residential facilities on adjacent parcels.

Senior Planner Juan Leal-Rubio stated there were several homes adjacent to the parcel.

Board Member Lines inquired about the effect that granting future variances would cause in the noise zones if the thresholds were exceeded.

Planning Director Maggie Castro, AICP, explained the noise zones were established through an Air Installation Compatible Use Zone study that was adopted by the Board of Supervisors in the 1970's. That noise study is still in effect. In order for the noise zones to be amended, it would require a change in state law and adoption of revised noise contours. The noise level reduction standard is referenced for the construction of the home.

Deputy County Attorney Ed Feheley explained the thresholds are a guide to planning. The additional construction standards are in place to ensure complaints are not filed with the military.

There being no one else to come forward, Chairman Tucker closed public meeting.

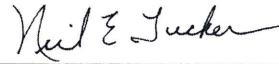
MOTION (SALTZER/EISENMANN): Approve Variance Case No. 20-05 in accordance with staff's recommendations still being mindful and respectful of MCAS' position.

ROLL CALL VOTE: Eisenmann – AYE; Tucker- AYE; Lines - AYE; Saltzer – AYE.
The motion carried 4-0.

ITEM No. 6: Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.

There being no further business to come before the Board, the Chairman adjourned the meeting at 1:30 p.m.

Approved and accepted on this 19th day of May, 2020.



Neil Tucker, Chairman

ATTEST:



Maggie Castro, AICP, Planning Director